

Notice of Allowability

Application No.

10/815,612

Examiner

Daniel A. Hess

Applicant(s)

SILVERBROOK ET AL.

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/18/06 amendment by applicant and 3/12/07 amendment and arguments.
2. ☒ The allowed claim(s) is/are 1-23, 30 and 32-45.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date <u>3/12/07</u> |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date <u>1/16/07</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

This action is responsive to Applicant's amendment and arguments of 12/18/2006, which have been entered into the electronic file of record. This action is also responsive to an interview with the Applicant conducted 3/12/2007, which led to the cancelled of claims 24-29, which in the Examiner's view were not allowable.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in an email correspondence with pro se Applicant Kia Silverbrook on 3/12/2007. A signed scanned document from Mr. Silverbrook was received by email which authorized email communications regarding the present case, with the acknowledgement that email communications are not secure and containing Mr. Silverbrook's signature and the signature of the other inventors. This is in accord with MPEP section 502.03.

It is noted that Mr. Silverbrook is located in Australia, making telephone communications impractical due to time differences.

The application has been amended as follows:

IN THE CLAIMS:

In claim 20, the words “method of claim 20” are replaced with “method of claim 19.”

Claims 24-29 are cancelled.

112 Rejections Withdrawn

In view of the amendments of 12/18/2006, the rejections of claims 14-16 under 35 USC 112 are withdrawn.

Allowable Subject Matter

Claims 1-23 and 30 and 32-45 are allowed.

The following is an examiner's statement of reasons for allowance:

Firstly, it is noted that claims 1-13, 17-23 and 36-45 were already allowed in the previous action dated 7/26/2006 and that claims 14-16 were rejected only under a 35 USC 112 rejection which has since been overcome. In addition, claims 31-35 were objected to on the basis of allowable subject matter in claim 31. Claim 31 has been cancelled and its subject matter has been incorporated into claim 30. Therefore, claim 30 is now allowable. Thus, the Applicant has amended to render all claims allowable, by amendment or cancellation of previously rejected claims.

The independent claims which are present after the above Examiner's amendment are claims 1, 14, 17 and 30. There are, in essence, two groupings of claims that can be made, having slightly different reasons for allowance, the first grouping consisting of claims 1, 14 and 17 and

Art Unit: 2876

their respective dependent claims, and the second grouping consisting of claim 30 and its dependents.

Regarding claims 1, 14 and 17, the prior art fails to teach or fairly suggest an article or method of a product label attached to a product enabling entry into a competition, with machine-readable coded data on the label uniquely indicative of a particular product, to be read by a sensing device moved across the code, and wherein human-readable information that in associated the machine-readable coded data has fields that a partially defined in relation to page descriptions stored in a computer system, the 'page description' being defined in accordance with the Instant specification, and in particular in relation to the 'Netpage' system described by the Applicant throughout. See page 16, lines 25-35, excerpted below, for a specific definition of the 'page description.' It is this particular meaning that is applicable in the present application.

“[0152] As illustrated in FIG. 1, a printed netpage 1 represents an interactive form that can be filled in by the user both physically, on the printed page, and "electronically", via communication between a sensing device (pen) and the netpage system. The example shows a "Request" form containing name and address fields and a submit button. The netpage consists of graphic data 2 printed using visible ink, and coded data 3 printed as a collection of tags 4 using invisible ink. **The corresponding page description 5, stored on the netpage network, describes the individual elements of the netpage. In particular it describes the type and spatial extent (zone) of each interactive element (i.e. text field or button in the example), to allow the netpage system to correctly interpret input via the netpage.** The submit button 6, for example, has a zone 7 which corresponds to the spatial extent of the corresponding graphic 8.”

Regarding claim 30, the prior art fails to teach or fairly suggest a system for reading a product label attached to a product enabling entry into a competition, with machine-readable coded data on the label uniquely indicative of a particular product, to be read by a sensing device moved across the code, wherein the product label further comprises regions that include buttons

that generate actions at a computer system, and entry fields include text regions such that text written in the text field using the sensing device is captured as text by the computer system. The examiner notes that conventional labels are not interactive and integrated communicatively with external computer systems in this particular way, which is based on the Applicant's netpage model.

The Applicant has created a unique system for competition entry on the basis of his 'Netpage' system where a competition entry label for a product is interactive and has a variety of fields that correspond to form fields of a form document in a computer system such that the user can interact with a physical product label having a contest form using a special sensing device which interacts with external computer system to convey form data to that computer system.

Dymetman et al. (US 6,330,976) shows that an interactive sensing device can interact with a physical document to provide input to a corresponding computer document but does not have aspects of either contest entry or a product label.

Lieberman (US 5,855,369) teaches (column 3, lines 15-40) that "game of chance entry forms are prepared which are imprinted with a laser-scannable bar code that uniquely identifies the particular product to be promoted... Once the completed entry forms are deposited and collected, the bar codes they bear are laser-scanned." Lieberman is also not a product label. Further, most of the information in Lieberman is not gathered automatically.

Napier et al. (US 5,571,358) has unique serial numbers on products (column 10, lines 50+) but has no interaction with any system like the Netpage system.

All three of the above lack is support on the external computer side for receiving this interactive contest data in the way that it is being conveyed by the sensing device. While Dymetman et al. has teachings for receiving interactive page data generally, he does not have support for the receiving contest data related to the specific application of the Instant Invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

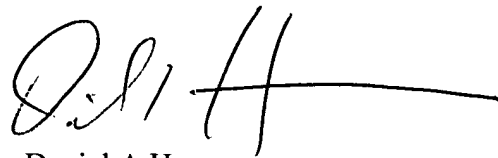
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel A. Hess whose telephone number is (571) 272-2392. The examiner can normally be reached on 8:00 AM - 5:00 PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2876

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'D. A. Hess', followed by a long horizontal line extending to the right.

Daniel A Hess
Examiner
Art Unit 2876

3/15/2007